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TRADE

Tokyo Round of the Multilateral
Trade Negotiations

Concessions and Contributions

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Memorandum of Understanding
Between the
UNITED STATES OF AMERICA
and PERU

Signed at Geneva March 8, 1979

with

Addendum
Signed at Lima June 28, 1979

and

Related Letters
Signed at Washington January 24 and 29, 1980



S 9.10:

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

" . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

PERU

Trade: Tokyo Round of the Multilateral Trade Negotiations—Concessions and Contributions

*Memorandum of understanding signed at Geneva
March 8, 1979;*

Entered into force February 8, 1980.

With addendum

Signed at Lima June 28, 1979;

And related letters

Signed at Washington January 24 and 29, 1980.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE MULTILATERAL TRADE NEGOTIATORS OF
THE UNITED STATES AND PERU
MARCH 8, 1979

1. This memorandum sets forth the mutual trade concessions and contributions to the Multilateral Trade Negotiations agreed on a personal and tentative basis by the participants.

Neither government of the participants is bound by this understanding. Implementation of the understanding is dependent on the contingencies set forth in the following paragraphs.

2. In accordance with the provisions of paragraph 5 of the Tokyo Declaration,¹ Peru is willing to make a contribution to the Multilateral Trade Negotiations consistent with its level of economic development and its commitments under the Cartagena Agreement. In this light, the Government of Peru notes several contributions toward trade liberalization already made by Peru which respond to the general thrust of United States' requests. These actions form an important part of Peru's contribution to the MTN. The contributions include:

A. The concessions described in the document titled: "Contribution of the member countries of the Andean Group to the Multilateral Trade Negotiations" presented on 27 June, 1978.

B. Favorable consideration of its adhesion to those codes in which special and differential treatment is acceptable.

C. Elimination of the tax for statistics

D. Elimination of the 4% maritime freight tax

E. Elimination of the fines for errors or omissions where fraud is not intended.

3. Peru will respond favorably to United States product specific requests as follows:

A. Licensing: Peru will grant automatic licenses on the products listed below except in cases justified by GATT, particularly when it does not affect the levels of employment in the respective productive activities.

¹ Dated Sept. 14, 1973. *Department of State Bulletin*, Oct. 8, 1973, p. 451.

<u>TARIFF NUMBER</u>	<u>PRODUCT DESCRIPTION</u>
10.07	grain sorghum for feed use
21.07	protein concentrates
35.04	vegetable protein isolates
39.02.01.00	polyethylene
39.02.05.03	polyvinyl chloride copolymers
39.02.08.00	polyacrylic and polymethacrylic derivatives
39.02.09.00	polypropylene
39.02.29.00	other resins
39.02.41.21	insulating tape
47.01.04.99	chemical wood pulp - other
83.02.03.00	automatic door closers
90.24.02.00	thermostats

B. Automatic licensing on these products shall not be administered in a manner so as to have trade restricting effects. Automatic licenses will be issued freely upon application, provided that the importer has fulfilled the legal requirements for the issuance of such licenses.

C. Tariffs: Peru will respond to United States tariff requests with tariff bindings or ceiling bindings as follows:

<u>TARIFF NUMBER</u>	<u>DESCRIPTION</u>	<u>ANDEAN CXT RATE</u>	<u>BOUND RATE</u>
39.02.01.00	Polyethylene	30%	40%
39.02.05.03	Polyvinyl chloride copolymers	30%	40%
39.02.08.00	Polyacrylic and polymethacrylic derivatives	30%	40%
39.02.09.00	Polypropylene	30%	35%
39.02.41.21	Insulating tape	35%	35%
47.01.04.99	Chemical wood pulp - other	20%	20%
83.02.03.00	Automatic door closers	35%	35%



4. The United States, for its part, will maintain its offer on the following products principally and substantially supplied by Peru:

<u>TSUS</u>	<u>PRODUCT</u>	<u>CURRENT DUTY</u>	<u>OFFER</u>
<u>PRINCIPAL</u>			
140.25	Cowpeas, blackeye, dried, desiccated or dehydrated	1.9%	0.0
300.20	Raw cotton, staple 1-11/16 inches or more	1.75 cents per pound	0.7 cents per pound
301.50	Yarn white cotton not bleached mercerized color	11.2%	8.7
306.52	Alpaca llama a vicuna hair greasy	1.3%	0.0
367.10	Other wool furnish knit ex pile or tufted in	11.8%	9.0
602.37	All copper-bearing ores, nes	1.0%	0.0
624.04	Lead waste and scrap	5.8%	2.3
628.45	Indium, unwrought, waste and scrap	5.0%	0.0
367.30	Other wool furnishings	16.0%	7.5

The inclusion of the following products at the cited rates in this agreement will depend upon negotiations with the principal suppliers.

SUBSTANTIAL

300.15	Cotton, not carded etc. staple	3 1/2 cents per pound	2 cents per pound
601.54	Tungsten ore	4.7%	3.3

Elsa Arciniega ^[1]
Peruvian Delegation



Jon Rosenbaum ^[2]
United States Delegation

¹ Elsa Arciniega.

² Jon Rosenbaum.

DELEGACION PERMANENTE DEL PERÚ
ANTE LA OFICINA EUROPEA DE LAS
NACIONES UNIDAS

MEMORANDUM DE ENTENDIMIENTO
ENTRE LOS NEGOCIADORES DE LOS ESTADOS UNIDOS Y DEL PERÚ
EN LAS NEGOCIACIONES COMERCIALES MULTILATERALES
8 DE MARZO DE 1979

1. En el presente memorandum se enuncian las concesiones comerciales mutuas y las contribuciones a las negociaciones comerciales multilaterales acordadas por los participantes a título personal y tentativo.

Ninguno de los gobiernos de los participantes queda obligado por este entendimiento y la aplicación del mismo dependerá de que se cumplan los supuestos mencionados en los párrafos siguientes.

2. De conformidad con las disposiciones del párrafo 5 de la Declaración de Tokio, el Perú está dispuesto a aportar a las negociaciones comerciales multilaterales una contribución que esté en consonancia con el nivel de su desarrollo económico y con los compromisos que ha contraído en virtud del Acuerdo de Cartagena. En este contexto el Gobierno del Perú señala la existencia de diversas contribuciones orientadas hacia la liberación del comercio que ya ha hecho el Perú y que responden a la dirección general de las peticiones de Estados Unidos. Estas medidas constituyen una parte importante de la contribución del Perú a las NCM, y entre ellas cabe citar las siguientes:

A. Las concesiones que se describen en el documento titulado: "Contribución de los países miembros del Grupo Andino a las negociaciones comerciales multilaterales", presentado el 27 de junio de 1978.

B. La consideración favorable de su adhesión a aquellos códigos en los que el trato especial y diferenciado sea aceptable.

C. La eliminación del impuesto estadístico.

D. La eliminación del impuesto del 4 por ciento sobre el flete marítimo.

E. La eliminación de las sanciones por errores u omisiones que no sean de carácter fraudulento.

3. El Perú responderá favorablemente a las peticiones específicas de los Estados Unidos en materia de productos, a saber:

A. Licencias: el Perú otorgará licencias automáticas para los productos enumerados a continuación, salvo en los casos justificados por el GATT, particularmente cuando ello no afecte a los niveles de empleo en las respectivas actividades de producción.

<u>PARTIDA ARANCELARIA</u>	<u>DESCRIPCION DEL PRODUCTO</u>
10.07	sorgo para piensos
21.07	concentrados de proteínas
35.04	materias protéicas vegetales aisladas
39.02.01.00	polietilenos
39.02.05.03	copolímeros de cloruro de polivinilo
39.02.08.00	derivados poliacrílicos y poli-metacrílicos
39.02.09.00	polipropileno
39.02.29.00	otras resinas
39.02.41.21	cintas aislantes
47.01.04.99	las demás pastas químicas de madera
83.02.03.00	cierrapuertas automáticos
90.24.02.00	termostatos

B. Las licencias automáticas para estos productos no se administrarán de manera que tengan efectos restrictivos sobre el comercio. Las licencias automáticas se expedi-

rán libremente cuando se soliciten, siempre que el importador haya cumplido los requisitos legales para la expedición de dichas licencias.

C. Aranceles: el Perú responderá a las peticiones de los Estados Unidos en materia arancelaria con consolidaciones de derechos o consolidaciones de límites máximos, a saber:

<u>PARTIDA ARANCELARIA</u>	<u>DESIGNACION</u>	<u>TASA DEL AEC ANDINO</u>	<u>DERECHO CONSOLIDADO</u>
39.02.01.00	Poliétilenos	30%	40%
39.02.05.03	Copolímeros de cloruro de polivinilo	30%	40%
39.02.08.00	Derivados poliacrílicos y polimetacrílicos	30%	40%
39.02.09.00	Polipropileno	30%	35%
39.02.41.21	Cintas aislantes	35%	35%
47.01.04.99	Las demás pastas químicas de madera	20%	20%
83.02.03.00	Cierrapuertas automáticos	35%	35%

4. Por su parte, los Estados Unidos mantendrán su oferta sobre los siguientes productos principal y sustancialmente suministrados por el Perú:

<u>ARANCEL DE LOS EE.UU.</u>	<u>PRODUCTOS</u>	<u>DERECHO ACTUAL</u>	<u>OFERTA</u>
<u>ABASTECEDOR PRINCIPAL</u>			
140.25	Délicos de manchas negras, secos, desecados o deshidratados	1,9%	0,0
300.20	Algodón sin cardar, igual o superior a 1-11/16 pulgadas	1,75 centavos por libra	0,7 centavos por libra
301.50	Hilados de algodón sin blanquear, mercerizar ni colorear	11,2%	8,7

306.52	Pelos de alpaca, de llama y de vicuña, con suarda	1.3%	0.0
367.10	Otros artículos de mobiliaje de lana, de géneros de punto, excepto los que sean de pelo	11.8%	9.0
602.30	Todos los minerales que con tengan cobre, n.e.p.	1.0%	0.0
624.04	Desperdicios y desechos de plomo	5.8%	2.3
628.45	Indio en bruto; desperdicios y desechos de indio	5.0%	0.0
367.30	Otros artículos de mobiliaje de lana	16.0%	7.5

La inclusión de los siguientes productos con los tipos de derechos citados en el presente acuerdo dependerá de las negociaciones con los principales abastecedores.

ABASTECEDOR SUSTANCIAL

300.15	Algodón sin cardar, etc., de una longitud de fibra superior a 1-1/8 pulgadas, pero inferior a 1-11/16 pulgadas	3 1/2 centavos por 11- bra	2 centavos por libra
601.54	Minerales de volframio	4.7%	3.3



Elsa Arciniega
ELSA ARCINIEGA
 Delegación del Perú

Jon Rosenbaum
JON ROSENBAUM
 Delegación de los Estados Unidos



EMBASSY OF THE
UNITED STATES OF AMERICA
Lima, PERU

ADDENDUM TO THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE MULTILATERAL TRADE
NEGOTIATORS OF THE UNITED STATES AND PERU
June 28, 1979

1. The Memorandum of Understanding between the Multilateral Trade Negotiators of the United States and Peru signed in Geneva, Switzerland on March 8, 1979 is amended as follows:

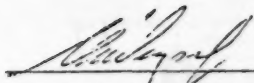
- A. Peru withdraws its offer to bind the tariff on 39.02.41.21 - insulating tape - but will maintain its licensing assurances commitment in paragraph 3A of the Memorandum on this product.
- B. To replace this withdrawal, Peru will:
1. Bind in the GATT the tariff on 39.02.29.00 - other resins - at 30 percent and assure automatic licensing on this product in accordance with paragraph 3A of the Memorandum. This concession will enter into force on July 1, 1983.
 2. Reduce the level of tariff bindings on the following products in the Memorandum:

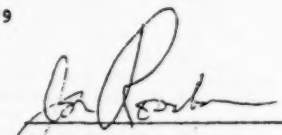
Tariff Number	Product Description	New Bound Offer Rate
39.02.01.00	Polyethylene	30 percent
39.02.05.03	Polyvinyl chloride copolymers	30 percent
39.02.08.00	Polyacrylic and Poly-methacrylic derivatives	30 percent
39.02.09.00	Polypropylene	30 percent

2. The Government of Peru will accept or reject this addendum Memorandum and its Addendum by August 15, 1979, or they will become null and void. The Government of the United States has approved the Memorandum and will notify the Government of Peru of its acceptance or rejection of this Addendum by August 15, 1979. The Government of the United States recognizes that the Government of Peru must obtain the approval of the other members of the Andean Pact for the tariff bindings in this Memorandum and Addendum.

3. The Government of the United States recognizes Peru's current development status and trade liberalization policy and promises to consider making additional tariff reductions on products of interest to Peru, within the authority provided by the United States Congress. Peru is willing to make contributions to obtain these reductions and to that effect has delivered a list of tentative offers of products in which it would make substantial tariff reductions in return for a counter-offer in which the United States would include those products on a list which has also been delivered and which are of special interest to Peru. The United States Government will notify the Government of Peru by August 15, 1979 if it will be able to entertain additional negotiations in this regard.

Lima, June 28, 1979



For the Delegation of Peru
to the Multilateral Trade
Negotiations

For the Delegation of the
United States of America
to the Multilateral Trade
Negotiations

OFFICE OF THE SPECIAL REPRESENTATIVE
FOR TRADE NEGOTIATIONS
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON
20506

JAN 24 1980

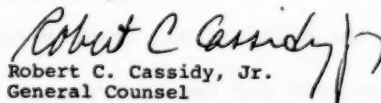
His Excellency
Alfonso Arias-Schreiber
Ambassador of the
Embassy of Peru
1700 Massachusetts Avenue. N.W.
Washington, D.C. 20036

Dear Mr. Ambassador:

I refer to the Memorandum of Understanding of March 8, 1979 and to the Addendum thereto of June 28, 1979, both negotiated between our Governments during the Multilateral Trade Negotiations.

The United States intends to treat these two documents, the tariff provisions of which have been superseded by Schedule XX (United States) to the Geneva (1979) Protocol^[1] and Schedule XXXV (Peru) to the Supplementary Protocol,^[2] as agreements between our two Governments as contracting parties to GATT,^[3] effective (notwithstanding paragraph 1 of the Memorandum) when both these schedules have become schedules to GATT.^[4] It is also intended to notify these agreements to the GATT Secretariat.

Sincerely,


Robert C. Cassidy, Jr.
General Counsel

¹ Done June 30, 1979. TIAS 9629; 31 UST 1015.

² Done Nov. 22, 1979. TIAS 10559; 34 UST.

³ Done Oct. 30, 1947. TIAS 1700; 61 Stat., pts. 5 and 6; 4 Bevans 639.

⁴ Feb. 8, 1980.

PERUVIAN EMBASSY

WASHINGTON, D. C. 20036

January 29, 1980

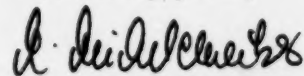
Mr. Robert C. Cassidy, Jr.
General Counsel
Office of the Special Representative
for Trade Negotiations
Executive Office of the President
Washington, D. C. 20506

Dear Mr. Cassidy:

Thank you for your letter of January twenty-fourth stating that the United States intends to treat the Memorandum of Understanding of March 8, 1979, and the Addendum thereto of June 28, 1979, negotiated during the Multilateral Trade Negotiations, as agreements between our two Governments as contracting parties to GATT, effective when the superseding tariff schedules XX and XXXV have become schedules to GATT.

This information has been forwarded to the Ministry of Foreign Relations in Lima.

Sincerely yours,



ALFONSO ARIAS-SCHREIBER
Ambassador

